

## HAMILTON COUNTY BOARD OF COMMISSIONERS

DECEMBER 10, 2001

The Hamilton County Board of Commissioners met on Monday, December 10, 2001 in the Commissioner's Courtroom, One Hamilton County Square, Noblesville, Indiana. The Commissioners met in Executive Session. President Dillinger called the public meeting to order. A quorum was declared present of Commissioner Steven C. Dillinger, Commissioner Steven A. Holt and Commissioner Sharon R. Clark. The Pledge of Allegiance was recited by everyone.

### Approval of Minutes:

Holt motioned to approve the minutes of November 26, 2001. Clark seconded. Motion carried. Dillinger abstained.

### Executive Session Memoranda:

Holt motioned to approve the minutes of the Executive Session Memoranda of December 10, 2001. Clark seconded. Motion carried unanimously.

### Bid Opening: (Tape 1, #51)

#### Bridge #120, 191st Street over Stony Creek:

Mr. Michael Howard opened the bids for Bridge #120, 191st Street over Stony Creek. Form 96, Non-collusion Affidavit, Bid Bond and Financial Statement were included unless otherwise specified. 1) Erber & Milligan - \$305,139.80. 2) Gohmann Asphalt - \$318,188.71. 3) Shutt-Lookabill, \$299,026.77. Mr. Howard referred the bids to the Highway Department for review and recommendation later in today's meeting. Holt motioned to approve. Clark seconded. Motion carried unanimously.

### Plat Approvals:

The Woods at Williams Creek,

Sisson Estates,

Centennial Townhomes, 3, 8 & 9:

Mr. Steve Broermann requested approval of the plats for The Woods and Williams Creek, Sisson Estates and Centennial Townhomes, 3, 8, & 9. Clark motioned to approve. Holt seconded. Motion carried unanimously.

### Open Road Cut Permits:

Mr. Les Locke requested approval of an Open Road Cut permit for Beck's Superior Hybrids approximately 250' south of 266th Street on Anthony Road for replacement of drain tile and installation of culvert. Holt motioned to approve. Clark seconded. Motion carried unanimously.

### Acceptance of Bonds/Letters of Credit - Highway Department:

Mr. Locke requested acceptance of Bonds and Letters of Credit for the Highway Department. 1) HCHD #B95-0016 - Fidelity and Deposit Company Continuation Certificate for Bond No. 30670460 issued on behalf of Swinney Brothers Excavating, Inc. to expire January 30, 2003. 2) HCHD #B01-0148 - Travelers Casualty and Surety Company Permit Bond issued on behalf of Astbury Environmental Engineering, Inc. in the sum of \$5,000 to expire November 26, 2002. 3) HCHD #B01-0149 - Fidelity and Deposit Company Subdivision Bond No. 08596534 issued on behalf of Brenwick Development Company, Inc. in the sum of \$13,739.00 for asphalt and curbs in The Village of West Clay, Section 6502 to expire November 15, 2003. 4) HCHD #B01-0150 - United States Fidelity and Guaranty Company Performance

Bond #400SL8507 issued on behalf of Atlas Excavating, Inc. in the sum of \$1,181,984.73 for Bridge #207, Logan Street over White River to expire November 15, 2003. 5) HCHD #B01-0151 - United States Fidelity and Guaranty Company Payment Bond #400SL8507 issued on behalf of Atlas Excavating, Inc. in the sum of \$1,181,984.73 for Bridge #207, Logan Street over White River to expire November 15, 2003. 6) HCHD #B01-0152 - United States Fidelity and Guaranty Company Performance Bond No. SG2112 issued on behalf of Erber & Milligan Construction Company, Inc. in the sum of \$151,185.90 for Bridge #39, Joliet Road over Woodruff Branch to expire November 28, 2003. 7) HCHD #B01-0153 - Merchants Bonding Company Performance Bond #INC1907 issued on behalf of Trisler Construction Company, Inc. in the sum of \$146,216.50 for various repairs on Bridge #179, Bridge #72, Bridge #49, Bridge #53, Bridge #12, and Bridge #2 to expire November 14, 2003. 8) HCHD #B01-0154 - Merchants Bonding Company Payment Bond #1907 issued on behalf of Trisler Construction Company, Inc. in the sum of \$146,216.50 for various repairs on Bridge #179, #72, #49, #53, #12, and #2 to expire November 14, 2003. Holt motioned to approve. Clark seconded. Motion carried unanimously.

#### Release of Bonds/Letters of Credit - Highway Department:

Mr. Locke requested release of Bonds and Letters of Credit for the Highway Department. 1) HCHD #B01-0118 - United States Fidelity and Guaranty Company Performance Bond No. 400SK6457 issued on behalf of Calumet Asphalt Paving Company, Inc. for streets in Section 5006A, The Village of West Clay. Holt motioned to approve. Clark seconded. Motion carried unanimously.

#### Agreements: (Tape 1, #300)

##### Bridge #208, Field Drive over White River Supplemental Agreement No. 1:

Mr. Locke requested approval of Supplemental Agreement No. 1 for Bridge #208, Field Drive over White River, HCHD #E-01-0012, with Beam Longest and Neff. This is for the review of the shop drawing of the steel plat girder superstructure, which was not in the original agreement. The supplement is in the amount of \$36,200.00. Holt motioned to approve. Clark seconded. Motion carried unanimously. Dillinger asked why was that not included in the original agreement? Mr. Matt Knight stated it was an oversight on his part. Holt asked what is the time line on the bridge? Mr. Knight stated it is on schedule and completion date is the middle of November 2002. They are clearing trees now. They will be starting on the sewer line in a couple of weeks. Holt asked if the State Highway does not make their improvements in a timely fashion, will the bridge be usable? Mr. Knight stated no, not on the west end. Mr. Howard stated the State has assured the City of Noblesville that is in the packet, it is funded and it will be in the next funding cycle. Clark asked what about SR 32 and Hazel Dell? Mr. Howard stated that is a different deal. Clark asked how can that be since it has been on the agenda since 1997? Mr. Howard stated the State has said it is first since 1997, it has been a district project that has never been funded. Holt asked if the SR 19 project is funded? Mr. Howard stated it is funded. Holt asked where are we on the additional lane on Logan Street? Mr. Knight stated the contractor will start at the first of the year. Completion is scheduled for August of next year. Holt asked in the SR 19 roadwork, will it completely close the highway or will it be temporary passage around the construction? Mr. Knight stated his understanding is that it will close it. Holt stated we will get that lane open, just in time to access a closed road? Mr. Knight stated that could very well be. Mr. Locke stated we have given notice to proceed on the Logan Street project. The contractor has decided not to start until the first of the year. Clark asked if everybody has read that INDOT will not build Hazel Dell and SR 32 in 2002? Mr. Howard stated it was not going to letting in 2002, it was supposed to part of an interlocal with the City of Noblesville and they have informed the City that they do not have funding. Clark stated it was to go to letting in November 2001. Mr. Howard stated that project is to work the stop light, it is not the intersection improvement project. Clark asked if right now we are scheduled to do the alignment in 2003? Mr. Howard stated INDOT has informed the City of Noblesville that they would agree to a reimbursement agreement, but they could not tell us when the money might come. Holt motioned for us to send a letter from the Board of Commissioners to the Director of INDOT, the Governor and all of our representative expressing our extreme disappointment that this project has been a priority since 1997 and we have committed "x" million of dollars to the improvement of Hazel Dell/Little Chicago corridor and did so with the belief that they were the County's partner. It surely ranks as the most dangerous intersection in the county right now. Dillinger stated we should do that and ask Noblesville to send a letter to coincide with our letter. Clark seconded. Motion

carried unanimously.

Bridge #255, East 226th Street over Jones Ditch Supplemental Agreement No. 1:

Mr. Locke requested approval for Supplemental Agreement No. 1 for Bridge #255, East 226th Street over Jones Ditch, HCHD #E-98-0038, with First Group Engineering, Inc. for an additional \$65,670,.00. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Acceptance of Streets: (Tape 1, #586)

Spring Lake Estates (Revised):

Mr. Locke requested approval of the revised acceptance of streets in Spring Lake Estates, North of 116th Street/East of Springmill Road in Clay Township. There were some wrong segment lengths in the original acceptance. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Merrimac Subdivision, Sections 2, 3 & 4:

Mr. Locke requested acceptance of streets for Merrimac Subdivision, Sections 2, 3 & 4, North of 146th Street/West of Springmill Road in Washington Township. Clark motioned to approve. Holt seconded. Motion carried unanimously.

Correspondence Concerning Investigations:

Mr. Locke requested concurrence with correspondence concerning investigations for signage on Hamilton County Roads. Clark motioned to approve. Holt seconded. Motion carried unanimously.

Official Actions: (Tape 1, #630)

Regulatory Signs Spring Lake Estates (Revised):

Mr. Locke requested approval of the revision of the official action for the installation of regulatory signs in Spring Lake Estates. Clark motioned to approve. Holt seconded. Motion carried unanimously.

Regulatory Signs Merrimac Subdivision, Sections 2, 3 & 4:

Mr. Locke requested approval of an official action for installation of regulatory signs in Merrimac Subdivision, Sections 2, 3 & 4. Clark motioned to approve. Holt seconded. Motion carried unanimously.

Regulatory Signs 256th Street & Schemer Ave.:

Mr. Locke requested approval of an official action for installation of regulatory signs at 256th Street and Schemer Ave. in Jackson Township. Clark motioned to approve. Holt seconded. Motion carried unanimously.

146th Street Regulatory Signs & Traffic Signals:

Mr. Locke requested approval of an official action to remove regulatory signs and install traffic signals on 146th Street in Washington and Noblesville Townships. Holt motioned to approve. Clark seconded. Motion carried unanimously.

146th Street Speed Limits:

Mr. Locke requested approval to rescind the official action to install work zone speed limits along 146th Street from 250m west of Spring Mill Road to Greyhound Pass and from Hazel Dell Road to SR 37 in Clay, Washington, Noblesville and Delaware Townships. Clark motioned to approve. Holt seconded. Motion carried unanimously.

Regulatory Signs & Traffic Signals - Various Intersections:

Mr. Locke requested approval of an official action to remove regulatory signs and install traffic signals at various intersections in Clay and Fall Creek Townships. Clark motioned to approve. Holt seconded. Motion carried unanimously.

#### Monthly Status Report - Highway Projects:

Mr. Locke stated the monthly status report on highway projects was put in the Commissioner's mailboxes this morning. If anyone has any questions they may call him. Clark stated the reports are excellent. Mr. Stevens added an update on the status of the Salt Storage Barn.

#### 2002 Intersection Improvement Priority and Funding List:

Mr. Locke presented an updated 2002 Intersection Improvement Priority and Funding List to the Commissioners. Mr. Stevens stated it is the intent of the Highway Department to go before County Council at the beginning of next year to request funding for the projects on this list, in priority order, in an amount not to exceed \$3 million that Council indicated they would give us. Clark asked if there is any time line on these improvements? Mr. Locke stated we will proceed on these as fast as we can. 96th Street and Shelborne intersection we are waiting on a response from the developer. 116th Street and Guilford we will need an interlocal with Carmel and we will be working with the County Attorney to get that. 116th Street and Springmill we will start consultant selection this week and proceed as fast as we can and hopefully by the end of the year have it under construction. We will have to look at issues regarding closing because there is no way to build a round-a-bout without closing that intersection. Clark stated unless you are doing 116th and 106th at the same time on Springmill it makes no sense. Mr. Locke stated if we do them both at the same time we would have Springmill closed north and south but you would also have 116th Street closed. Clark stated you would rather keep east-west open at 106th? Mr. Locke stated they will be closed both directions. Clark asked if his recommendation is to close down one and then do the other? Mr. Locke stated that is what we need to look at. Clark asked if the hold on the intersections in Clay Township has been lifted based on what we did Thursday? Mr. Locke stated they will be notifying all of our consultants to proceed as soon as possible on projects within the first \$3 million. That takes us through project #8.

#### 206th/Cumberland Intersection Project Consultant:

Mr. Locke requested approval to hire a consultant for the 206th and Cumberland Road intersection project. Dillinger motioned to hire ACE. Holt seconded. Clark asked if we did the QVS? Mr. Locke stated we did not send out RFP's, we did do what we feel is in compliance with QVS. Dillinger and Holt approved. Clark opposed. Motion carried.

#### Carmel's Request for Funding:

Mr. Locke requested approval of a letter to Mayor Brainard regarding Carmel's request for the County's participation in 3 road projects, 116th Street - College Avenue to Rangeline, 116th Street - Rangeline to Keystone Avenue and Old Meridian - Pennsylvania to Guilford. Holt stated it is a good letter. Holt asked that Mr. Locke remove the first full sentence on the second page that states "Mr. Locke is very up to date on these issues" on the letter regarding 96th Street to the three entities. Holt motioned concurrence with all the letters submitted. Clark seconded. Motion carried unanimously.

#### Highway Meeting:

Dillinger complimented the Highway Department and his fellow Commissioners on what was accomplished at the meeting held Thursday, December 6th. Clark stated the information the Highway Department had for us was the most comprehensive we have had.

#### Proposed Bond Projects: (Tape 1, #1115)

Mr. Stevens presented a list of the Proposed Bond Projects as discussed at Thursday's meeting. Holt asked what happens to construction on Hazel Dell if there is no intersection to hook in to? Mr. Locke

stated the alignment would be just about the same. It is all switched within the INDOT project. Mr. Stevens stated through negotiations with Noblesville the State project is more closely tied to the Little Chicago Road portion of the project. Holt motioned to approve the reconfigured Bond Project Sheet with the intersections we had previously agreed to fund out of the \$3 million backed out. Dillinger seconded. Clark asked if we add these together what is the total? Holt stated \$53 million. Motion carried unanimously. Holt asked that this be submitted to each Council member with a request that it be forwarded to their Financial Consultant. Mr. Locke will prepare the letter for Commissioner's signature.

#### Right-of-Way Acquisitions Status Report:

Mr. Locke presented a status report on the right-of-way acquisitions as the Board requested at Thursday's meeting. Dillinger asked Mr. Howard to prioritize and fast track the 206th and Cumberland project due to the proposed closing of SR 19. Dillinger would like an update on this project every meeting.

#### Bid Award:

##### Bridge #120, 191st Street over Stony Creek:

Mr. Locke stated the lowest responsive bidder for Bridge #120, 191st Street over Stony Creek, was Shutt Lookabill in the amount of \$299,026.77. Holt motioned to approve. Clark seconded. Motion carried unanimously.

#### Permission to Advertise:

##### Annual Highway Bids:

Mr. Stevens requested permission to advertise for the annual Highway Bids. Bids will be opened January 28, 2002. Holt motioned to approve. Clark seconded. Motion carried unanimously.

#### INDOT Projects:

Clark asked if there is anything we can look at to get money to Hazel Dell and Little Chicago Road project? Mr. Stevens stated he has a meeting at the Greenfield District on Thursday, December 13th to discuss the MPO projects within Hamilton County. Clark asked if there is any other projects within the County that INDOT is doing that supersedes SR 32, Hazel Dell and Little Chicago? Holt asked where are we on the urban interchanges on 31 and 37? Mr. Matt Morasch stated he met with Kevin Buckheit and he was supposed to set up a meeting in November with his plan commission for him to attend. He has not done that, so Mr. Morasch is drafting a letter to him that says we need to do that in December. Their first Planning Commission meeting is in January. If he does not set that meeting up, he does not know what else he can do. Holt asked Mr. Morasch to give him a call. Clark stated she would prefer to put in an intersection as opposed to the proposed projects INDOT has asked input on. Holt stated he would concur that if we want to ask them to defer resurfacing and fix an intersection. Mr. Stevens stated he does not know how it would be received, but they can recommend it.

Dillinger called a break at 3:00 pm. Dillinger called the meeting back to order at 3:15 pm

#### McMillan House: (Tape 1, #1768)

Ms. Judy Armstrong, 10312 Hillsdale Drive, Carmel stated she would like the Commissioners to stick by their date for completion of the tear down and hauling away of the burnt property of Terry McMillan. The neighbors and Mr. McMillan met with Mr. Kiphart on September 24th. The question was asked what does take down and clean-up mean? Mr. Kiphart stated it means that the house is completely torn down and the property is cleaned up to the satisfaction that there is nothing on it. At that meeting Mr. McMillan stated he thought he could meet the November deadline that the Commissioners set at the September 24th meeting. That deadline has not been met. The fire to the McMillan's property took place December 23, 2000. The neighborhood did not bring this to the county's attention until eight months had elapsed after the fire. The neighbors feel that Mr. McMillan needs to be held accountable in every way to clean up his property. We need a cleaner environment to live in and it is an eyesore to look at. It is a

nuisance for children and pets. It does not smell good and needs to be cleaned up. We hope that you will honor our plea to force some action. We feel that Mr. McMillan has been given every benefit of the doubt and he needs some help solving this problem.

Mr. Chuck Kiphart reviewed the situation. On August 16th he sent an order to the McMillan's to have the area immediately secured by August 28th and have the materials from the burnt house removed from the site by September 14th. We had a hearing scheduled on September 10th, Mr. McMillan could not attend that hearing and asked that it be tabled until September 24th. On September 24th my order was approved. The Commissioners did grant him an extension to clean up the property by November 9th. A hearing was scheduled on November 26th, Mr. McMillan sent a letter stating that he did not receive notice of that meeting until November 21st and that they had made arrangements to be out of town on November 26th. At the November 26th meeting you scheduled a meeting with Mr. McMillan and the neighbors for today. Mr. Kiphart stated he visited the site today. There has been a little more clean up since his last visit to the site, which was November 26th. There is still a significant amount of material at the site. A new and larger dumpster has been put on the site. Clark showed a picture from the November 26th meeting and asked if any more had been cleaned up? Mr. Kiphart stated there has been a little more cleaned up. Clark asked if Mr. McMillan had said he could abide by the November 9th date? Mr. Kiphart stated Mr. McMillan stated he would try to abide by it. Clark asked what are our options? Mr. Kiphart stated you could give another extension of time with another deadline date or you could ask that the order be enforced and then the County would start legal action to enforce that order. Clark asked what is the normal time that a clean up would take? Mr. Kiphart stated he would guess within a year. Mr. Howard stated usually what happens is that the insurance company hires a contractor to demolish the property, once it is determined to be a total loss. People do not normally tear down their own property. Dillinger stated it appears the hold up is that the verifying the contents. Mr. Howard stated that was the same issue on Reggie Miller's house and his house was gone in four months. Mr. Howard stated he read the correspondence and the question is how long does it take someone to sift through the contents and try to determine an inventory what the personal property was. Holt stated the missing information is what happened from December to September before we became involved. Holt stated the correspondence between the McMillan's and the insurance company is not untypical. You have to fill out the inventory sheets and submit your proof of loss. Holt stated he can't fathom why you would wait 9 months to start that process.

Mr. Terry McMillan, 10207 Hillsdale Drive, Carmel, stated they were preparing a proof of loss from December to September. He had repeatedly asked his insurance company to give him something in writing to allow him to dispose of the contents. He asked in December what they were supposed to do. In January he met with the insurance adjustor and asked what they do next. He said we need to clear the site and give us a list of contents. Mr. McMillan asked him if it was ok to dispose of everything. He said it was. Mr. McMillan asked if he could have something in writing, his response was he could not give Mr. McMillan anything in writing because the insurance company may want to see something in 6 months. Mr. McMillan asked him what he was supposed to do. His response was that he would tell people to do whatever they would do if they did not have insurance. Mr. McMillan stated he is sorry that this has gone on in the neighborhood and particularly for the neighbors who live closest to him. They are fine people and they have never had a house burned down and there is no comprehension of the process. He is not certain he is doing everything right that he should be, he has seeked counsel of an attorney and they are trying to follow his advice. The insurance adjustor, after repeated phone calls, finally gave them something in writing on September 10th. Holt asked if Mr. McMillan has submitted a proof of loss? Mr. McMillan stated no, they can't do that until they go through the house and videotape and document everything. Holt asked why did you not do that last January? Mr. McMillan stated because the ground was frozen and the entire house and ashes became a solid chunk of ice. Holt asked how about in May, when it thawed out? Mr. McMillan stated they were working on it then. Holt asked if Mr. McMillan videotaped it? Mr. McMillan stated no, he was not told he needed to videotape it. He thought he would just turn it in and he would get permission to take care of the contents. Holt asked if you inventoried the contents of the house once it thawed out? Mr. McMillan stated there is very little to physically recognize. The house was totally gone. It took the fire department a half-hour to get there. Holt asked once you received the letter in September, why did you not demolish the house? Mr. McMillan stated because in his garage he had ashes 4' thick to go through and try to come up with an inventory of the tools and

equipment he had in his garage. There is no comprehensive of how long it takes to go through one shovel at a time. Mr. McMillan stated he received the letter regarding the meeting of September 10th, which he was unable to attend because he had been injured at work and had a no lift requirement for three weeks. He did abide by that at work, but did not abide by it at the house. He continued to work on the house. He has had a difficult time using his left arm and has had a friend come and work with him on the house. Mr. McMillan presented a list of contents just from his garage that he has inventoried so far. He had thousands of dollars worth of equipment in his garage. It is his hope when they go through the process of inventorying the garage, they can turn it into the insurance company and reach a settlement and not have to do this with the rest of the house. They lived in the house 30 years. He had been in the construction business for 15 years. He made a trip to Pittsburgh in mid-summer. From Indianapolis to Pittsburgh he had a member of his family write while he drove and for 7 ½ hours non-stop he listed tools he had in his garage. He has found while going through the ashes many tools he had forgotten about and were not on the list. It is hard for him to comprehend that anyone wants this house gone anymore than he does. We want to get this behind us. We have lives outside of ashes. We have worked at it continuously. Our goal and objective is to get this torn down as soon as possible. It is a case of misunderstanding. If putting up a privacy fence either temporarily or permanent would help, he would be glad to do that. Mr. McMillan stated it has been implied that the entire neighborhood has this as a major concern and issue. He does know from the number of neighbors coming to him saying that they apologize from the letter that went out under the name of the neighborhood association that they were very sorry about the letter and they did not feel certain individuals that did not live close to the house have any concern or business worrying about his house. Some of the people do not live on the street. He does not like the thought of this becoming a divisive issue in the neighborhood. Mr. McMillan presented a list of people in his neighborhood that have given support that say let him meet the criteria that his insurance company has set forth. His office was in his home, when the house burnt his income went. Recently he had a very good job offer and he had to decline it because he is dealing with the insurance thing. It took him and his neighbor 5 hours to go through 4 square feet. They have been offended that people have had to contact government agencies instead of calling them to see what was going on. Holt asked if Mr. McMillan has filled out his proof of loss sheets for the rest of the house or just the garage? Mr. McMillan stated yes, they have hundreds of pages. It is our desire and intent that once we have gone through the garage, turned it into the insurance company, along with 15 rolls of film and 4 hours of videotape that at that time the insurance company will write us a check and then we can bulldoze the old house and start building a new house. Holt asked when did you get the forms? Mr. McMillan stated January. Holt stated all these garage forms are blank in the replacement costs, have you done it on the rest of the house? Mr. McMillan stated yes. Mr. McMillan stated he has been working on this process for 24 hours a day, 7 days a week for the past year. He wakes up in the middle of the night and works on it. Holt asked when are you going to turn the sheets in? Mr. McMillan stated they have been advised not to turn the sheets in until we have them all done. Once they have been turned in there is a clock that starts clicking for replacement value. Holt asked when are you going to have them all done? Mr. McMillan stated as quickly as they get done with the garage. Holt asked when is that? Mr. McMillan stated if he could tell him what the weather will be the next 60 days, he could tell when they will get it done. Holt stated you received the sheets in January, you had all Spring, Summer and Fall to sift through the ashes in the garage, why are you dealing with it in December, a year later? Mr. McMillan stated we only received permission from the insurance company to dispose, Holt stated he is not asking about disposal, he is asking about sifting through the ashes. Mr. McMillan stated when the ashes are 4' thick, we have no idea what is on the bottom until we take the top off and throw it away. Clark stated it is her understanding that Mr. McMillan told Mr. Kiphart and several others in the meeting held in September that you would be done by November 14th. Mr. McMillan stated he said he would try. Clark stated that is all we are hearing today. She does not understand why you have turned nothing in when you have had months to work in. Clark stated she does not think giving you another month is going to do anything for us or your neighbors. Clark stated she has personally exhausted the time that she is willing for you to attempt to get these papers filled out for your insurance company. Mr. McMillan stated the other papers on the rest of the house have been filled out. We have no way of knowing what was in the garage. As he told the insurance adjustor they needed permission to dispose of the things so we could find out what was in the layers below. In the early months, everything was frozen solid. Clark stated you can see our position, we have people in your neighborhood who are concerned about the health and safety of the air they breathe as well as the animals that may or may not have taken up residence in this situation. Mr. McMillan asked if the Commissioners are aware that once

his house is torn down that he will have no way of providing to his insurance company an inventory of his loss on the things not listed? Clark stated you have had 11 months and even given if you could not work December, January, February and March, you have still had another 8 months to do this. She does not see much progress in that area. Clark stated she does not mean to be hardhearted but she does have a responsibility to the community in which you live. Clark stated she did receive a call from one of your neighbors and he was not aware that we had already given you one date that we expected you to comply by. Clark stated she deplores that government has to intercede, but your neighbors deserve better than what they have got. Mr. McMillan stated he would have liked to have something done a year ago. We have done what we can. unfortunately we have had to deal with the constraints of the insurance company. Dillinger asked if Mr. Kiphart has spoken with the insurance adjustor? Mr. Kiphart stated yes, before the November meeting. The first time he spoke with him he said there was a time limit on closing out the matter. When he spoke to him a second time he referenced that he had told him it need to be cleaned up in 12 or 18 months and he said it was not true. The adjustor said once the information is presented from Mr. McMillan on the contents that he could do that at any time. Dillinger asked if he indicated if there was some unusual hold up on this case or that Mr. McMillan had not cooperated. The adjustor indicated he did not understand why he had not been contacted earlier to get the process started. Ms. Armstrong stated Mr. Kiphart had showed her a letter from the insurance company to the McMillan's saying they could pay him no more money until he provided the list to them. The letter said that his son had already provided a list of contents that was his loss in the house. They underlined that they could do nothing more until he had satisfied the requirements. Ms. Armstrong stated when the Twin Towers went down it was a lot of stories of buildings and some underground and that project is estimated to be cleaned up in 1 year. There are a lot of people in the neighborhood who volunteered to help Mr. McMillan, not only to videotape but do anything they could and he turned us down many times. Mr. McMillan stated the door is wide open for any help he can get. Clark motioned to authorize Mr. Kiphart to declare a Notice to Bidders to be received at the January 14, 2002 meeting to demolish all burned out structures on the property and that all costs incurred by Hamilton County after this date become a lien against the property. Holt seconded. Motion carried unanimously. Mr. Howard stated for clarification the soonest a contract would be awarded would be the January 14th meeting.

RFP Award: (Tape 1, #3252)

Reassessment Equalization:

Ms. Debbie Folkerts presented a memo on the Reassessment Equalization RFP process. Ms. Folkerts recommended the RFP be awarded to Nexus Group in the amount of \$130,000.00. Clark motioned to award the contract to Nexus Group for the reasons set out in the memorandum. Holt seconded. Motion carried unanimously.

Senior Services Request: (Tape 2, #119)

Ms. Sandy Stewart, Director of Hamilton County Senior Services, stated when she requested her agency funding for 2000 she requested an additional \$25,000 to be set aside for the purchase and/or renovation of a building when the agency was able to secure one. When she came back for 2001 funding she did not make that request because we were not any closer to the project and she did not think it was appropriate. We are now in final negotiation on a building. Ms. Stewart requested the Commissioners grant an additional \$25,000. The first \$25,000 is being held in account by the Auditor. She would ask for the same conditions that it would be contingent on the actual purchase of the building. Ms. Stewart stated when we first asked for the support for the building, we did not know about the United Way Capital Funds Grant, those funds were not available at that time. Right now we have a potential of having 60% of this building paid for through a grant. This is why we feel it is imperative that we act now while the money is still available. Our agency's share we will have to raise elsewhere. In applying for the grant, the more local support she can show the more likelihood she will be successful of getting the grant. Dillinger asked if this has been discussed with Council? Ms. Stewart stated no. Holt motioned to approve the request by Hamilton County Senior Services, Inc. for an additional one time \$25,000.00 grant to fund their capital project subject to Council approval. Clark seconded. Motion carried unanimously.

Commissioner Committee Reports: (Tape 2, #309)



#### SAVI Project:

Clark stated last week Barry McNulty, Carol Greene, Judy Levine Larry Stout and she went to the POLIS Center at IUPUI to find out more about what the SAVI Project could offer Hamilton County. We think this could serve many purposes, not only the Health Department but some of the other departments in the County. We are pursuing a possible needs assessment by them so they can give us more guidance as to how they can serve this County.

#### Emergency Management Advisory Council:

Clark stated the Emergency Management Advisory Council met for the first time at their new location on Pleasant Street and the Council asked that she send a thank you for the facility.

#### Insurance Committee:

Dillinger stated the Insurance Committee was supposed to meet last week. They are having a difficult time finding more than one carrier to quote on our casualty insurance. That meeting was postponed until we can find another carrier to quote.

#### Administrative Assistant: (Tape 2, #433)

#### Verizon Wireless Opening:

Mr. Fred Swift stated the Commissioners received an invitation to the Verizon Wireless Opening of their new offices on Thursday morning. Clark stated she will be attending the conveyance of the hydro-electric plant from Cinergy to the Historic Landmark Foundation.

#### Christmas Luncheon:

Mr. Swift stated the County Christmas Luncheon is scheduled for December 21st at the 4-H Grounds.

#### Auditor:

#### VINE Service Agreement Renewal:

Ms. Robin Mills requested approval of the renewal of the VINE - Victim Information and Notification Everyday Service Agreement. Holt motioned to approve. Clark seconded. Motion carried unanimously.

#### EDEN Contract Addendum:

Ms. Mills requested approval of an addendum to the EDEN Contract to purchase more licenses for the payroll and financial software. Holt motioned to approve. Clark seconded. Motion carried unanimously.

#### Release of Bonds/Letters of Credit - Drainage Board:

Ms. Mills requested approval of the release of Bonds and Letters of Credit for the Drainage Board. 1) Frontier Insurance Company Subdivision Bond No. 106126 for Setters Run, Section 2 monumentation in the amount of \$2,300.00. 2) HCDB - B980037 - Frontier Insurance Company Subdivision Bond No. 127563 for Setters Run, Section 3 monumentation in the amount of \$2,400.00. 3) HCDB - MB980001 - Safeco Insurance Company of America Maintenance Bond No. 5936638-1 for Warner Legal Drain Erosion Control for Lost Oaks 1 at Haverstick in the amount of \$16,171.00. 4) HCHD-B00025 - Fidelity and Deposit Company Performance Bond No. 8527670 for the reconstruction of the Hinshaw-Henley Drain in the amount of \$62,278.00. 5) HCDB - B00026 - Fidelity and Deposit Company Payment Bond No. 8527670 for the reconstruction of the Hinshaw-Henley Drain in the amount of \$62,278.00. Clark motioned to approve. Holt seconded. Motion carried unanimously.

Acceptance of Bonds/Letters of Credit - Drainage Board:

Ms. Mills requested acceptance of Bonds and Letters of Credit for the Drainage Board. 1) HCDB - B01035 - Fidelity and Deposit Company of Maryland Subdivision/Site Improvement Bond No. 08595857 for Merrimac, Section 6 for erosion control in the amount of \$30,000.00. 2) HCDB - B01036 - Fidelity and Deposit Company of Maryland Subdivision/Site Improvement Bond No. 08595858 for Merrimac, Section 6 monuments and markers in the amount of \$1,800.00. 3) HCDB - B01037 - Fidelity and Deposit Company of Maryland Subdivision/Site Improvement Bond No. 08595859 for Merrimac, Section 6 storm sewers and subsurface drains in the amount of \$74,000.00. Clark motioned to accept. Holt seconded. Motion carried unanimously.

Liability Trust Claims:

Ms. Mills requested approval of Liability Trust Claims. 1) Stephenson Daly Horn & Semler - \$2,215.50. Holt motioned to approve. Clark seconded. Motion carried unanimously. 2) Performance Mechanical Contracting, Inc. - \$2,480.00. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Payroll Claims:

Ms. Mills requested approval of the Payroll Claims for December 7, 2001. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Vendor Claims:

Ms. Mills requested approval of Vendor Claims for payment on December 11, 2001. Clark motioned to approve. Holt seconded. Motion carried unanimously.

December 26th Commissioners Meeting:

Ms. Mills asked what is the status of the December 26th Commissioner's meeting? We will have to sign Vendor Claims. Holt is available. Clark can be reached by phone. Dillinger is not sure he will be in town. The meeting will be held to sign Vendor Claims. Ms. Mills asked what will be the status of the Solid Waste Board meeting? Decisions need to be made about hiring an employee. Holt asked Mr. Swift to call the members of the Solid Waste Board to see if a quorum can be present. If a quorum is not available a special meeting will have to be set in early January. Holt stated we would want the employee hired at least 30 days prior to opening the door.

Holt motioned to adjourn the meeting. Clark seconded. Motion carried unanimously.

Commissioners Correspondence:

Salt Storage Building Memos:

Highway Department

Envoy

INDOT Proposed Hamilton County Projects

Beam Longest and Neff Notice of Transmittals:

Culvert Plans HCHD EPB-99-0015

Bridge #17, 246th Street over Teter Branch of Little Cicero Creek

Hamilton County Cemetery Commission 2001 Annual Report

Housing Needs Assessment First Draft

SARA Title III Class Schedule - State of Indiana

IDEM Request for Approval of Voidance Confined Feeding Operation:

Farm ID #185

IDEM Notice of Sanitary Sewer Application Appeal Rights:

Centennial, Section 6 - Westfield

Stony Ridge, Section 2 - Noblesville

Kirkpatrick Corner - Noblesville

Mill Grove, Section 3 & 4 - Noblesville

Stoney Creek Marketplace - Noblesville

Long Branch Interceptor/Long Branch Estates - Carmel

Certificate of Insurance:

Comcast Cablevision

Perma Glass Corporation

Present:

Steven C. Dillinger, Commissioner

Steven A. Holt, Commissioner

Sharon R. Clark, Commissioner

Robin M. Mills, Auditor

Fred Swift Administrative Assistant

Kim Rauch, Executive Secretary to Auditor

Michael A. Howard, Attorney

Wayne A. Farley, Deputy Sheriff

Tom Stevens, Highway Director

Les Locke, Highway Engineer

Amy Rayle, Highway Public Service Representative

Virginia Hughes, Administrative Assistant to Highway Engineer

Jim Neal, Highway Project Engineer

Dave Lucas, Highway Inspector

Robert Chadwell, Highway Inspector  
Steve Broermann, Highway Technical Engineer  
Christopher Burt, Highway Staff Engineer  
Tim Knapp, Highway Right-of-Way Specialist  
Matt Morasch, Transportation Development Engineer  
Matt Knight, Highway Staff Engineer  
Mike McBride, Small Structure Staff Engineer  
Dustin Teachnor, Highway Assets Manager  
Faraz Hahn, Highway Department  
Kate Lewis, Daily Ledger  
Mark Newbold, EDIS, Inc.  
Steve Quear  
Shaun Proffitt, Gohmann Asphalt  
Janet Schutt, Schutt-Lookabill  
Floyd Burroughs, FEBA  
Becki Wise  
Jim Belden, County Councilor  
Jerry Larrison, Beam, Longest & Neff  
Cathy Kightlinger, Indianapolis Star  
Terry McMillan, Hillsdale Drive Home  
Judy Armstrong, Hillsdale Drive Home  
Lela Russell, Hillsdale Drive Home  
Mary Lou Ehrgott, Hillsdale Drive Home  
Sharon A. Tucker, Hillsdale Drive Home  
Chuck Kiphart, Planning Commission  
Debbie Folkerts, County Assessor  
Sandy Stewart, Senior Services

BOARD OF COMMISSIONERS

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APPROVED

HAMILTON COUNTY

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ATTEST:

Robin M. Mills, Auditor